

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

C.S., individually, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 10 C 7395
)	
VILLAGE OF ARLINGTON HEIGHTS,)	
ILLINOIS,)	
)	
Defendants.)	

MEMORANDUM ORDER

In response to this Court's brief December 17 memorandum order, counsel for the Village of Arlington Heights ("Arlington Heights") has promptly filed its Amended Answer to Complaint. This Court is of course appreciative of that swift response and of the more straightforward revised pleading, but this even more brief memorandum order calls for one further modification.

In response to Complaint ¶ 2's jurisdictional allegations, the Amended Answer says only this:

Defendant says that the Complaint purports to raise federal jurisdiction under 28 U.S.C. §1331, 1343 and §1367, 42 U.S.C. §1983 and 42 U.S.C. §3613.

But "purports" does not cut it, for this Court's threshold obligation is to confirm the existence (or nonexistence) of federal subject matter jurisdiction (see, among the host of cases so teaching, Cook v. Winfrey, 141 F.3d 322, 325 (7th Cir. 1998) and Wernsing v. Thompson, 422 F.3d 732, 743 (7th Cir. 2005)). And if Arlington Heights harbors any doubts in that respect, it is duty bound to apprise this Court to that effect.

Accordingly Amended Answer ¶2 is stricken. Arlington Heights is ordered to file a one-paragraph amendment to the Amended Answer on or before January 3, 2011 setting out its position on the jurisdictional issue.

A handwritten signature in cursive script, reading "Milton I. Shadur". The signature is written in dark ink and is positioned above a horizontal line.

Milton I. Shadur
Senior United States District Judge

Date: December 21, 2010